

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 22, 2000
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Elisha Verge, North Ash Church of the Nazarene, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes – Approved

The Minutes of the August 15, 2000, City Council meeting were approved. Motion carried 6 to 0. (Gale absent)

AWARDS AND PRESENTATIONS

*Council Member Gale present.

PROCLAMATIONS

Proclamations previously approved were presented.

UNFINISHED BUSINESS

ZON2000-00017
ZON2000-00018
CUP2000-00014
AMEND DP-242

ZON2000-00017 - Zone Change from Neighborhood Retail to Limited Commercial for Parcel 2; ZON2000-00018 - Zone Change from Neighborhood Retail to Limited Commercial; and CUP2000-00017 – Amend DP 242, Ridge Center CUP, to Allow Limited Commercial Uses and Signage on Parcels 2 and 8, Located on the Southwest Corner of 37th Street North and Ridge Road. (District V)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0683 A.

MAPC Recommendation: Approve zone change to “LC” Limited Commercial, and approve the CUP, subject to conditions (10-0).

Staff Recommendation: Deny zone change to “LC” Limited Commercial, but approve the use of animal care, limited for Parcel 2.
Approve the zone change to “LC” Limited Commercial for Parcel 8 but restrict the “LC” uses to those permitted in “NR” zoning.
Approve the Community Unit Plan, subject to conditions.

DAB V Recommendation: Approve zone change to “LC” Limited Commercial, and approve the CUP, subject to conditions (8-2).

This case was considered by the Wichita City Council on July 11, 2000. The Council voted (7-0) to refer it to District Advisory Board V for consideration prior to City Council action.

The applicant is requesting an amendment to DP-242 Ridge Centre Community Unit Plan located at the southwest corner of Ridge Road and 37th Street North and zone changes for Parcel 2, a 0.9 acre tract, and Parcel 8, a 1.2 acre tract, to “LC” Limited Commercial. According to the applicant, there is a proposed veterinary clinic for Parcel 2 and a strip center for Parcel 8.

Ridge Centre C.U.P. was approved May 26, 1999. The applicant had requested “LC” zoning for all nine parcels of the C.U.P. However, MAPC recommended and the Board of County Commissioners approved “NR” Neighborhood Retail, restricted to “GO” General Office use, for four of the nine parcels, including the two parcels

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submitted for rezoning in this request. The parcels approved for "LC" were situated closest to the intersection of Ridge and 37th Street North. The "NR" parcels were restricted to "GO" uses, and served as a buffer for the Big Slough, the lake, and the projected residential uses to the west from the more intense commercial uses being allowed at the intersection. DP-245 Catamaran Cove C.U.P. is the C.U.P. immediately to the west. It includes the Big Slough and the lake, and is approved for multi-family development.

The applicant has requested all uses permitted in the "LC" district for Parcels 2 and 8 except the following exclusions: residential uses, public uses except daycare, pawnshops, secondhand stores, taverns night clubs, drinking establishments or adult entertainment.

The applicant has proposed no changes to signage, setbacks, access control, landscaping, or architectural standards.

Ridge Centre is in a rapidly changing corridor. One recently approved development is DP-237 Ridgeport North C.U.P. to the east, which is under development with a medical office and is approved for a new medical facility for Via Christi. DP-250 Starwest C.U.P. was approved for the northwest corner of 37th and Ridge. Pending applications include DP-253 Kaylor C.U.P. just north of Starwest, and DP-252 Paragon C.U.P. just south of K-96. Additionally, single-family and multi-family housing is being developed closer to 29th Street North, and Catamaran Cove was approved for multi-family use immediately west of Ridge Centre.

With the volume of potential development along Ridge, floodplain issues have become a major concern. This is an area impacted by the floodway of the Big Slough. Currently, a master basin study is being prepared for the area along the Big Slough from 21st Street North to 45th Street North.

At the MAPC meeting held June 15, 2000, MAPC voted (6-4) to approve the requests. Several commissioners expressed opposition to rezoning the parcels to "LC" because it reversed the CUP conditions established one year before, and it reduced the buffering by office and neighborhood retail uses between residential uses and the intensive commercial uses allowed at the intersection. One citizen said she felt drainage and flooding issues along the Big Slough should be resolved prior to development. Another citizen expressed opposition to rezoning Parcel 8 to "LC."

At the District Advisory Board V hearing on August 7, 2000, the DAB voted (8-2) to approve the zone change to "LC" for Parcels 2 and 8 and the amendment subject to conditions recommended by MAPC.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinances be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00017

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00018

NEW BUSINESS

Motion -- carried

Pisciote moved that the rules be set aside and an Item been taken up off the Agenda. Motion carried 7 to 0.

ELECTRICAL RATE PARITY.

Council Member Pisciote

Council Member Pisciote said the City had not received any responses, communications, or phone calls from Commissioner Brian Moline with respect to comments quoted in the August 12, 2000, edition of the *Wichita Eagle*

Mayor Knight

Mayor Knight requested to be allowed to abstain from participation on this Item.

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To correct the record, Council Member Pisciotte read the following letter:

Honorable Bill Graves
Governor of the State of Kansas

RE: Public Comments of Commissioner Brian Moline

Dear Governor Graves:

We are writing to you with respect to KCC Commissioner Brian Moline's comments, quoted by Ms. Lori Lessner of the Wichita Eagle's Washington Bureau office, in an article appearing in the August 12, 2000 issue of the Wichita Eagle.

Commissioner Moline is quoted as stating that: "The KCC was working on lowering Wichita's rates gradually, without raising rates anywhere else, but Knight said that wasn't quick enough...He wanted it today. The only way to make it happen that fast is to raise rates in other cities." Commissioner Moline is also quoted as saying that the actions of the Mayor of Wichita in seeking rate parity between KPL's and KGE's systems was "politicizing" the issue and interfering with the regulator's work.

We were shocked that a public official holding an office of the stature of a Kansas Corporation Commissioner would make such unprofessional, inflammatory and erroneous public comments. Not only were his comments substantively incorrect, but they also appear to demonstrate an administrative bias and prejudice against the position of the customers of KGE and, particularly, the citizens of Wichita who have merely been exercising their constitutional right to have their position heard. The citizens of Wichita have been required to bring their cause before the KCC and the FERC because little has been done to achieve rate parity and correct the injustice that began with the merger of KPL and KGE in 1991. In the intervening nearly ten years, Wichita consumers have paid approximately \$750 million dollars more for their electric energy than have similarly situated consumers on the KPL system. This rate disparity has not been and is not justified, and cannot continue.

The facts are:

- The Commission approved the merger of KGE and KPL in 1991 on the condition that the corporate status of KGE as a wholly owned subsidiary of KPL would last no longer than January 1, 1995. Eliminating the subsidiary status of KGE and fully merging it with KPL would have presumably ended the rate disparity. However, in a subsequent order in 1994, the Commission recanted and eliminated this condition, stating that the corporate organization of KGE and KPL, either as a single company or as a parent and subsidiary, was a business decision of Western Resources that the Commission should not disturb.
- In the proposed Western Resources-KCPL merger, the Commission Staff initially took the position that merger savings should be used to eliminate the disparity between KGE and KPL rates. During those proceedings, however, the Staff entered a proposed settlement agreement that would have frozen rates for four years except for \$15 million in rebates to customers in 2001, 2002 and 2003. The settlement did not even propose that these rebates be used to remedy the disparity or address the disparity in any other way, but left the allocation of those monies to a later day.
- Although the Commission rejected the proposed Western Resources-KCPL merger settlement, it issued an order allowing the merger to proceed with a rate moratorium of four years. While it required Western Resources to submit a combined-company cost of service after the moratorium, it also stated that it was not ordering rate parity at that time. Had the merger gone forward with the rate freeze allowed by the Commission, it would have meant that rates for KGE and KPL would not have been reviewed for nine years.

These actions appear to us to be inconsistent with eliminating the rate disparity over a reasonable period of time.

Commissioner Moline is simply incorrect in his statement that for the rates on the KGE system to be reduced, rates in other cities have to be increased. We would challenge Commissioner Moline and you to inquire of the Commission's technical staff as to their view of how many millions of dollars KGE's system is over-earning by the excessive rates paid by their consumers. Our view is that its over-earnings are currently at least \$70-\$80 million dollars and that Western Resources d/b/a KPL Division has been and continues to over-earn on its rate permitted under the last rate case.

Western Resources representatives have advised us that they have recently put on-line new gas turbine generators at the Gordon Evans Plant, but that those generators were needed for and will be charged to the KPL system; however, that has nothing to do with the rate disparity.

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If, as Western Resources claims, those new units are an added asset, which will benefit KPL customers, they, of course, will have to pay for them.

Commissioner Moline's public statements that the "KCC was working on lowering Wichita's rates gradually..." is a well-kept secret. The only rate relief that KGE customers have experienced was in 1996 when the disparity was reduced to 25% for the average customer, due to the efforts of Mayor Knight and others in pushing a settlement with Western Resources.

We would hope that you require appointees to positions of high responsibility and public trust to render judgment only after they have heard the evidence in a proper judicial forum as opposed to trying the rights and responsibilities of parties in the press. We respectfully request some assurance from your office that you understand our concerns and look forward to your response to address these issues.

Sincerely,

Wichita City Council Members

Phil Lambke

Joan Cole

Joe Pisciotte

George Rogers

Bill Gale

Bob Martz

Gary Rebenstorf

Director of Law said the letter is appropriate and represents the position of the City. The position of the City has never been one to put the cost of rate parity on any other customer; rather one of fairness to the customers of KGE.

Motion --
-- carried

Pisciotte moved that the City Council Members sign the letter, and the letter be forwarded to Governor Graves. Motion carried 6 to 0. (Knight abstained)

ECONOMIC DEV.

REPORT ON ECONOMIC DEVELOPMENT ACTIVITIES.

John Rolfe

Chamber of Commerce reviewed the Item.

Agenda Report No. 00-0812.

On April 11, 2000, the City Council approved a contract with the Wichita Area Chamber of Commerce to provide economic development services in an amount not to exceed \$180,000. The contract covered economic development activities of the Chamber during 2000. The contract is a joint economic development effort with the Chamber, the County and City. Under the contract, the Chamber manages the economic development efforts on behalf of the City and County and work with the respective staffs on projects. Under the terms of the contract, the Chamber is required to meet certain goals as contained in the approved business plan. The Chamber's Vice President for Economic Development, will present a report to the City Council on City-County economic development activities during the first two quarters of 2000.

The 2000 Economic Development Business Plan has five major areas: Business Development; Research Support; Workforce Development; Air Service; and Community Marketing. City funding is requested for part of the Business Development Activities. These activities focus on the following goals:

Local Expansion/Retention of Existing Businesses. Provide community support to existing businesses by assisting in eliminating inhibitors to growth and assisting in expansion opportunities to secure 1,500 new or saved jobs in the area.

Business Recruiting. Obtain commitment from new companies to locate a facility in the Wichita area and add 1,500 new jobs in 2000.

Downtown Core Area. Promote and market growth to encourage new and retained investment in Wichita's downtown to increase building occupancy and increase favorable downtown projects.

New Business Development. Work with local service organizations to promote/enhance the creation of new jobs through business start-ups and new business ventures.

Work covered by the 2000 Contract for Services is carried out by the Chamber's Economic Development Department. City funding supports an additional professional position in the Department, Economic Development Director, to assist in the area of recruitment and expansion/retention and perform other activities to meet the performance requirements with the City. Other Chamber staff provide support in the areas of research, workforce development and marketing. Economic development efforts are augmented by a work group consisting of economic development staff from the City, County, State, local non-governmental agencies and utilities.

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Funding for the contractual services is budgeted in the City's Economic Development Trust Fund. City funding is used to fund staff costs in the approximate amount of \$83,000, direct economic development expenses of approximately \$89,000, and approximately \$8,000 for economic development marketing expenses.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

TOWERS

WIRELESS COMMUNICATION MASTER PLAN AND IMPLEMENTING CODE REVISIONS.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0811.

On July 20, 1999, the City adopted a six-month moratorium on the approval of commercial communication towers. At that time, the City Council determined that a need existed for a clearer framework to review proposals for wireless communication facilities. On August 17, 1999, the City Council authorized the firm of Kreines & Kreines, Inc. to prepare a Wireless Communication Master Plan.

The consultant conducted an extensive outreach program with the community and wireless communication industry representatives. Community workshops were held on September 29 and October 27, 1999. An industry meeting was held on September 30, 1999, and an industry presentation was held on October 27, 1999. In addition, a questionnaire was mailed to industry representatives. The Wireless Communication Master Plan was presented by Kreines & Kreines, Inc. at a workshop with the City Council, County Commission and MAPC on November 23, 1999.

As a result, a City-County Task Force was formed to further study the consultant's proposal and attempt to resolve various issues related to the Plan. The Task Force held numerous meetings with the stakeholders, and presented a revised version of the plan to the City Council at a workshop on April 25, 2000. The City Council directed the Task Force to present the Wireless Communication Master Plan to the District Advisory Boards (DABs) and the MAPC for recommendations.

The DABs reviewed the proposed Plan during their July meetings; their response was generally favorable. The MAPC held a public hearing on the plan at their June 15, 2000 meeting at which several wireless industry representatives spoke against specific provisions in the plan. The MAPC voted to defer action on the plan and directed staff to work with the wireless industry representatives to address these specific issues.

The Task Force then held another meeting with wireless industry representatives and agreed to recommend the following revisions to the plan:

1. Creating a "third tier" of review, for rooftop mounts, adding equipment to existing towers, and modifying or rebuilding existing towers and other structures, in which the applicant simply files for a building permit, and the Zoning Administrator grants the permit if it is in conformance with the guidelines in the Wireless Master Plan. The "administrative permit" process, which involves posting of a sign on the property and the possibility of engineering review and of conditions being attached to the approval, would be reserved for new towers.
2. Permitting new towers up to 85 feet in "LC" (Limited Commercial) districts by administrative permit, and towers over 85 feet by Conditional Use permit. (The previous draft required a Conditional Use permit for new towers over 65 feet in residential and office districts as well as the "LC" district).
3. Establishing a reduced "compatibility height" standard for new towers of 1:1 -- one foot of setback from any property zoned single family or duplex for every foot of height. (The previous draft required a setback of 50 feet plus 3 feet for every foot in height above 35 feet for ALL structures, including towers. In addition, it is recommended that the zoning code be amended to allow staff to consider reducing or fully waiving this standard, for all structures, by administrative permit).
4. Permit new lightweight towers by administrative permit in any zoning district if they are no more than 80 feet in height and lightweight lattice structures with a side dimension not exceeding 18 inches.

The MAPC reconsidered the plan at its July 27, 2000, meeting and adopted the Wireless Communication Master Plan and the implementing code revisions that included the recommended revisions from the Task Force.

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- Mayor Knight Mayor Knight said an unnecessary proliferation of towers would most certainly trigger an early review of this matter.
- Discussion was had regarding protection of neighborhoods, tower heights and setbacks, and proliferation of towers in the center of the city which has single-family residential in industrial zoned areas.
- Marvin Krout Director of Planning explained that procedural requirements are fairly tough and include design criteria. Use of City property, parks, is encouraged; all of these are on residential zoned property.
- It is the nature of technology that the towers will be distributed throughout the community – not just located in one district. The situation will be monitored. New towers will need permitting. It is Staff discretion to see that the intent of the regulation is met.
- Council Member Lambke Council Member Lambke said he was reluctant to set policy that allows communication companies to go into residential areas and construct structures and perform maintenance.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard.
- Greg Ferris Greg Ferris, representing AT&T Wireless, said that, in the spirit of compromise, he believed working with Staff would meet the needs of AT&T.
- Trix Nuremberg Trix Nuremberg spoke in opposition to the tower in College Hill and in opposition to residential placement of towers.
- Curtis Holland Curtis Holland, representing Sprint and Southwestern Bell Wireless, said the industry was not totally satisfied but, that he was in support of compromise and the current proposal.
- Motion -- Rogers moved that the Plan be adopted as an element of Comprehensive Plan and the Ordinances be placed on
-- carried first reading. Motion carried 6 to 1. Lambke – No.

ORDINANCE

An ordinance providing amendments to Section II-E.3, Section II-E.15, Section III-B.2.b.(3), Section III-B.2.c.(3), Section III-B.3.b.(3), Section III-B.3.c.(3), Section III-B.4.b.(3), Section III-B.5.b.(3), Section III-B.6.b.(3), Section III-B.7.b.(3), Section III-B.8.b.(3), Section III-B.9.b.(3), Section III-B.10.b.(3), Section III-B.11.b.(3), Section III-B.12.b.(3), Section III-B.13.b.(3), Section III-B.14.b.(3), Section III-B.15.b.(3), Section III-B.16.b.(3), Section III-B.17.b.(3), Section III-B.18.b.(3), Section III-B.19.b.(3), Section III-B.20.b.(3), Section III-D.6.g, Section III-D.7.b.(8), Section III-D.7.c.(6), Section III-D.7.d.(5), Section III-E.2.f.(1), Section IV-c.5, Section V-a.2, Section V-i.2, Section VI-g, Section VI-H, and the use regulation schedule in Section III.D of the Wichita-Sedgwick county Unified Zoning Code (October 28, 1999 Edition), as adopted by ordinance 44-427, dealing with wireless communication amendments thereto, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Section 2.26.010 of the Code of the City of Wichita, Kansas, pertaining to fees and charges for planning and zoning applications and proceedings; and repealing the original section, introduced and under the rules laid over.

FIRE STATION

FIRE STATION LOCATION STUDY.

- Ray Trail Director of Finance reviewed the Item.
- Agenda Report No. 00-0813.

In 1999/2000, the City undertook a review of future fire facility, apparatus and staffing needs in light of geographic and demographic changes occurring within Wichita. The result was a City of Wichita Fire Station Location Study that outlined a series of actions to enhance and optimize fire services over the next decade, including:

1. Moving of eight existing fire stations to improve overall response time in the community,
2. Adding two new fire stations and thirty-four positions as a result of growth,

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3. Adding ten additional firefighter positions to improve deployment on various types of fire apparatus (e.g., engines and ladder companies),
4. Enhancing the City's geographic information system (GIS) capabilities for future review and analysis of fire facility and personnel deployment.

The City Council has reviewed and discussed the study in two governing body workshops. City staff has presented the study to the six District Advisory Boards. Some modifications to the station relocation plan were made with respect to Station #19, moving the proposed site further south on Broadway, and Station #13, moving the proposed site further northeast and closer to the vicinity of Meridian and Kellogg.

The study is a proposed plan to guide future decisions as to fire facility location and apparatus/staffing deployment. The City has already put the GIS capabilities into place so that detailed station siting analysis can be undertaken. Governing body approval of the fire station study in concept would enable City staff to proceed with development of specific action items for subsequent Council action, including prospective sites for the first three stations targeted for relocation (Stations #12, #13, and #19).

The estimated \$12 million capital cost for fire station construction will be included in the Capital Improvement Program. Operating costs increases estimated at \$2.6 million annually will be part of future budget deliberations.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Kenneth Jack

Kenneth Jack, attorney, spoke against the elimination of Fire Station Number 4. Mr. Jack said the station was important to the University Friends Church, his law office, the Masonic Home, and the Delano area.

David Shuman

David Shuman, Kansas Masonic Home, said residents and employees of the Home rely on the rapid response of the Fire Department and fire rescue teams.

Council Member Rogers momentarily absent.

Ray Rancuret

Ray Rancuret, Delano Neighborhood Association, presented a petition against closure of Fire Station #4. Mr. Rancuret said there are in excess of 110 homes in the immediate area that were built before 1900. These homes were not built to current building code. Many are eligible for historic status.

Fire Station #4 is a lifeline to the neighborhood.

Council Member Pisciotte momentarily absent.

Mike Rudd

Deputy Fire Chief explained that the overall recommendation of the consultants provides equitable response time to the whole City. The Delano area is surrounded by four other fire stations. Two of the other stations are within 2 miles and 1.25 miles. Fire protection would be within the recommended response time of four to six minutes.

Currently, there are large amounts of time that personnel from Fire Station #4 are not available due to other duties.

Mayor Knight momentarily absent with Vice Mayor Lambke in the Chair.

Council Member Gale

Council Member Gale spoke of recent participation on a fire call at which other fire stations arrived at the same time as the originating-call fire station.

Motion --
-- carried

Gale moved that the study be approved and filed; the Petition be received; and Staff be authorized to proceed with review of specific fire station sites for return to the governing body. Motion carried 7 to 0.

Council Member Martz left the Bench.

IRB-ARMSTRONG

AMENDMENT TO LEASE, INDUSTRIAL REVENUE BONDS, SERIES VII, 1999, MCCORMICK-ARMSTRONG COMPANY PROJECT. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0814.

In August 1999, the City issued Industrial Revenue Bonds to finance improvements and equipment for McCormick-Armstrong Co., Inc. In the original Lease Agreement, Section 5.4 contemplated that the Project would be completed on (or before) June 20, 2000; and Section 5.6 provided that any money unexpended in the Project

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Fund as of June 20, 2000, must be transferred to the Principal and Interest Account. That date passed before all the funds could be used for project completion; the Tenant and the Owner of the Bonds now mutually seek to amend the Lease to substitute "January 10, 2001" as the latest Project Completion and Operative Dates for transfer of unexpended Project Fund balances.

The requested amendment would accommodate all private parties to the bond issue. The Bond Counsel has advised no tax problems will arise from the requested modification.

With the exception of costs of publishing the amending Ordinance and minor postage expenses (which will be covered by the annual Administrative Service Fee), the amendment will be without cost to the City.

The form of the amendment has been prepared by Kutak Rock, as counsel for the Bond owner.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that the first amendment to the lease Agreement for the City's Industrial Revenue Bonds, Series VII, 1999, be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Martz absent)

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas authorizing the execution of a first amendment to lease agreement by and between the City of Wichita, Kansas, and McCormick-Armstrong Co., Incorporated, in connection with the project financed by the City's Industrial Revenue Bonds, Series VII, 1999 (McCormick-Armstrong Co., Incorporated, introduced and under the rules laid over.

Council Member Martz present.

PREFERRED DEV.

DESIGNATION OF PREFERRED DEVELOPER – 2151 EAST 21ST STREET. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0815.

On September 13, 1994, the City entered into a Developer Agreement with UBI Financial Services, Inc. (now Commerce Bank) to develop the Northeast Community Investment project on 21st Street. The Northeast Community Investment Project consists of several components, one of which is a shopping center on the site of the former Madison Square shopping center. Commerce Bank selected The St. Mark Foundation to develop the site as the New Horizon Shopping Center. On December 22, 1998, the City entered into a contract with The St. Mark Foundation, Inc. to provide a CDBG loan in the amount of \$200,000 to assist in constructing the shopping center. The St. Mark Foundation was unable to complete the project. Accordingly, the City terminated The St. Mark Foundation CDBG contract on June 8, 2000 and issued a new Request for Proposals (RFP).

On August 4, 2000, the City received three proposals for redevelopment of the 81,314 SF site located at 2151 East 21st Street between the Commerce branch bank and the Plaza North Senior Residences. A Screening and Selection Committee comprised of City staff; representatives of small business, Commerce Bank and a private developer reviewed and ranked the proposals.

The proposal of Alford Development was determined by the Selection Committee to be the superior proposal based upon the following: (1) project development and management team; (2) private investment and financing; (3) less reliance on public financing; and (4) enhanced small business opportunities for area residents.

The Alford Development proposal provides for an \$895,149 redevelopment plan with space for 12 small businesses, and related improvements. Alford Development would assume the outstanding \$200,000 CDBG loan on the project.

If approved, a Developer Agreement will be prepared. Finance staff will work with the City Manager and the Law Department to draft a detailed Developer Agreement.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that Alford Development be approved as the City's Preferred Developer for the redevelopment of 2151 East 21st Street and Staff be authorized to negotiate the Developer Agreement. Motion carried 7 to 0.

-- carried

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KINGSBURY

DISPOSITION OF KINGSBURY PROPERTY. (District VI)

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 00-0816.

In 1987, the City acquired a 460-acre tract of land to the north and west of the Brooks Landfill site. The cost for acquisition of this site was \$728,640, exclusive of principal and interest costs. The City Council has since determined that this land, generally known as the Kingsbury tract, will not be used for landfill expansion or buffer as originally planned. The City Council later (1997) designated this land for public purposes and directed the Park Board to report back to the City Council on additional recommendations on how the land can continue to be applied to such use.

The City subsequently received a development proposal for the property and in November of 1999, the City Council approved the designation of Kingsbury Communities, Inc. as the preferred developer of this tract of land and authorized Staff to issue a request for proposals from developers.

At the Council meeting on April 11, 2000, the City Council took action to refer this matter to the Park and Recreation Advisory Board to review the proposals and consider future needs and possibilities for this property as future park or open space usage. Consideration was also given to utilization of a part of this site for a Construction and Demolition Landfill.

Park and Recreation Advisory Board Recommendations: The Board considered this matter over several meetings. A final determination was made to recommend to the City Council that this land not be sold and "the City retain ownership of the Kingsbury property as an acquisition for park purposes, subject to the reservation for sand production." The Board requested that revenue from the sand production be "used to develop the property as a park site."

Analysis of Proposals: The original Request for Proposals was mailed to over 200 builders, developers, brokers, and investors. Two proposals were received. A comparison of the proposals is provided below:

Proposer	<u>Kingsbury Communities</u>	<u>Ritchie Corporation/ Booth & Schellenberg Development</u>
Price/Acre	\$2,505	\$2,500
Timing	20% down, balance over 4 years	Cash at closing
Final Use	Residential w/golf course	Mixed use commercial/multifamily/residential
Interim Use	Sand removal	Sand removal
Project Start	Closure of Brooks	2-3 years
Timing	Ten years unless demand warrants an earlier start	10 years
Contingencies	Conditional use permit for sand Indemnification from Brooks environmental issues Water rights must be obtained from the State Access must be available through Brooks site	City to provide access from K-96/Hoover or K-96/West Indemnification from Brooks environmental issues All zoning and permits must be available City to develop park infrastructure City to bring utilities to site
Other		Will deed south lake to City for park Sand will be pumped under K-96 to existing plant

The Kingsbury Community plan calls for a residential development incorporating a golf course with most of the development planned to the west part of the site.

The Ritchie proposal envisions two large lakes along the east part of the parcel, one of 80-acres on the south and one of approximately 130 acres to the north. There will be approximately 17 acres of commercial at the northeast

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corner of Hoover and K-96, 19 acres of multifamily on the east side of Hoover at the half-mile point, and about 164 acres of single family development around the northern lake.

In reviewing these proposals, the Kansas Department of Health and Environment was contacted to comment on proposed development of this site. KDHE indicates potential problems with development depending upon how the sand extraction operations would be conducted.

Prior to final acceptance of either proposal, the City will want to negotiate final terms and conditions with the selected developer for the sale and development of this site. Issues of contamination and protection against ground water pollution, master plan for development, interim and future development phases, timeframes/development schedules for each segment of the master plan, continual monitoring of the site, along with other issues important to the site development.

Alternatives: Options to the sale of this property for private development include:

- 1) Leaving the site as open space for future public usage, including parks, etc.
- 2) Developing the site as an industrial park site, with interim use as a wood waste disposal area and/or a Construction & Demolition Landfill site
- 3) Partnering with a vendor to develop the area as a sand extraction interim use and later selling the site for desired planned-use development.
- 4) Leasing the site for sand extraction but not sell the site at this time.
- 5) Selling the property to the preferred developer with specific-type of development with guaranteed time frames for development.

Kingsbury Communities has offered \$2,505 per acre for the site. This amount would be paid in five equal payments of 20% each with the first payment being made at the time of closing of the sale. The joint venture of Ritchie Corporation and Booth & Schellenberg Development has offered \$2,500 per acre payable at closing.

The proposal from Kingsbury Communities is financially superior to the one from the joint venture of Ritchie Corporation and Booth & Schellenberg Development. While the discounted net present value of the selling price is slightly less (\$189,992 less at a 7% discount rate), the joint venture of Ritchie Corporation and Booth & Schellenberg Development requires "The City of Wichita shall at their expense be responsible to bring public street and utilities to the Kingsbury site." The cost of providing this infrastructure has not been identified at this time, and cannot be known until the improvements are designed. However, such improvements are expected to exceed the \$189,992 figure.

The final selling price is subject to a survey of the property to determine the actual acreage to be sold. Based on 460 acres, the offer from Kingsbury Communities would be for a total selling price of \$1,152,300 and a net present value of the payments of \$960,008 (discounted at 7% per year).

From the standpoint of value, the partnership option might have more income potential for the City and will provide the flexibility to market the site at a later date for a planned-use development. Selling the site would place the land back on the tax rolls, which may, or may not be significant, depending upon when actual development of the real estate occurs.

The City Attorney has issued a written opinion that opines that the City is able to sell this property if approved by a simple majority vote of the governing body. Such action is not dependent upon Park Board approval. The City Attorney, prior to signature by the City, will approve all documents as to form that are a part of the closing for this transaction.

The Park Department recommended that all proposals be rejected and the property be retained in part, or in total, for public use.

Mayor Knight	Mayor Knight inquired whether anyone wished to be heard.
Victor Eisenring	Victor Eisenring, 4700 East 21 st , said he was interested in buying or leasing the area for removal of sand.
Mayor Knight	Mayor Knight suggested Mr. Eisenring discuss his proposal with the Director of Parks and Recreation.
Council Member Lambke	Council Member Lambke said he was interested in leasing the property for extraction of sand, which would result in a lake for the area.
Council Member Cole	Council Member Cole said development to the north of the City should be encouraged. It is hopeful the Kingsbury property will continue to be developed.

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Mayor Knight Mayor Knight spoke in favor using public land to produce revenue to be put back into public use. This is a way to arrive at having more park land. This is a good idea for keeping the land for ultimate public use.

Motion -- Cole moved that, at this time, the proposal be rejected and the land be retained, to be for public use at a later time; inherent in the motion would be that revenue from sand extraction or other revenues be returned for park use.

-- carried Motion carried 7 to 0.

CITY COUNCIL AGENDA

(Addendum Item No. 7a)

TRAVEL APPROVAL APPROVAL OF COUNCIL MEMBERS' TRAVEL TO TOPEKA TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE, OCTOBER 7-10, 2000

Motion -- carried Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

(Addendum Item No. 7b)

TRAVEL APPROVAL APPROVAL OF COUNCIL MEMBER ROGERS' TRAVEL TO OAK RIDGE, TN, TO ATTEND NLC ENERGY, ENVIRONMENT & NATURAL RESOURCES STEERING COMMITTEE MEETING, SEPTEMBER 14-16, 2000

Motion -- carried Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

PROCLAMATIONS

PROCLAMATIONS.

Motion -- carried Knight moved that the issuance of the Proclamations be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Council Member Rogers left the Bench.

Knight moved that the Consent Agenda, including Addendum Items 23a, 27a and 29 a; except Item 26, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Rogers absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 21, 2000.

Bids were opened August 18, 2000, pursuant to advertisements published on:

Pawnee and Oliver intersection reconstruction to provide left turn lanes on Oliver - Pawnee & Oliver. (87 N-0092-01/472-82910/706800/634725/208255/ 544127) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$829,781.50

2000 contract maintenance area concrete reconstruction Phase B - north of 31st Street South, east of Broadway. (/132282_2/) Traffic to be maintained during construction using flagpersons and barricades. (District III)

McFadden - \$285,000.00 (Engineer's estimate)

2000 contract maintenance thermal crack joint repair Phase 3 - at various locations. (/132282_3/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II & V)

Ferguson - \$190,000.00 (Engineer's estimate)

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Storm Water Sewer 195 - Phase I to serve Wiedmann Business Park - south of Kellogg, west of Greenwich. (468-80969/751283/485174) Does not affect existing traffic. (District II)

Wildcat Construction - \$114,761.00

Lateral 395, Southwest Interceptor Sewer to serve Newmarket Square Addition - north of 21st Street, west of Maize Road. (468-82818/743849 /480537) Does not affect existing traffic. (District V)

WB Carter Construction - \$15,846.00

Bedford/Killarney/Ritchfield, from the south line of Lot 57, Block 1, to the south line of Lot 14, Block 4; Bedford, from the north line of Killarney to the north line of Lot 63, Block 1; Bedford Court, serving Lots 16 through 24, Block 3; and Sidewalk on the east, south, and west side of Bedford /Killarney/Ritchfield to serve Balthrop Addition - north of Central, east of Greenwich. (472-83031/765639/490750) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$258,402.30

Water distribution system to serve Smithmoor 9th Addition - south of Harry, west of Greenwich. (448-89398/734967/470637) Does not affect existing traffic. (District II)

WBW Contractors - \$23,997.00

Sanitary sewer relocation at 13th & Yale to serve Yale Heights Addition - north of 13th Street North, east of Hillside.(468-82646/621458/533256) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Wichita Excavation, Inc. - \$54,502.00 (Negotiated to Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Naftzger Park Improvements. (785527)

Bauer & Son Construction - \$136,663.34 (Total net base bid)
\$ 5,547.00 (Total add Alternate #1)
\$ 7,397.00 (Total add Alternate #2)
\$ 6,752.00 (Total add Alternate #3)
\$ 21,352.00 (Total add Alternate #4)
\$ 5,352.00 (Total add Alternate #5)
\$ 6,762.00 (Total add Alternate #6)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Jesse Soria	Cholita's Mexican Restaurant Inc.*	8987 West Central.
		<u>(Consumption off Premises)</u>
John J. Leker	Farmer's Market, Inc.	2901 North Broadway
<u>Special Event</u>	<u>September 9, 2000</u>	
Chad B. Burnett	Hero's Sports Bar/Biker for Babies	836 East First Street
Jeffery Elliott	Bikers Edge/Bikers for Babies	1201 East Central

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

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Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Rogers absent)

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

- a) Byron Court from the west line of Byron Street, west and south to and including the cul-de-sac to serve Woodland-Westfield Second Addition - north of Maple, west of Tyler. (472-83206/765627/490738) Does not affect existing traffic. (District V) - \$140,000.00
- b) Water line extension to serve an area along Seneca from 55th Street South to 63rd Street South and east to the railroad tracks - Seneca from 55th Street South to 63rd Street South. (448-89417/734936/635624 /185009 /470606/760684) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,269,819.00
- c) Water distribution system to serve unplatted tracts - south of 55th Street South, east of Seneca. (448-89445/734951/470621) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$60,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS

DEEDS AND EASEMENTS:

- a) Waterline Easement dated August 1, 2000, from Riverside Health System for tracts of land in Block 1, Osteopathic Addition to Wichita, Sedgwick County, Kansas. No cost to City. (District IV)
- b) Easement dated July 28, 2000 from Robert L. Jennings and Fleeta A. Jennings for tracts of land in Lot 1, Block A, Reynolds Addition to Wichita, Sedgwick County, Kansas. (Private Project - OCA #607861). No cost to City.
- c) Easement dated July 28, 2000 from Sis & Sons, Inc. for tracts of land in Lot 2, Block A, Reynolds Addition to Wichita, Sedgwick County, Kansas. (Private Project - OCA #607861). No cost to City.
- d) Temporary construction Easement by the Wichita Airport Authority to Board of County Commissioners of Sedgwick County for a tract of land in the west half of Section 28, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, as platted of Col9onel James Jabara Airport Second Addition. (No Cost to the City)

Motion --
-- carried

Knight moved that the documents be received and filed, and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

BOARDS MINUTES

BOARD AND COMMISSION MINUTES:

Police & Fire Retirement System, 5-24-2000
Wichita Airport Advisory Board, 6-5-2000
Metropolitan Area Planning Commission, 6-29-2000
Sister Cities Advisory Board, 7-7-2000
Wichita-Sedgwick County Board of Health, 7-13-2000
District II Advisory Board, 7-17-2000
District III Advisory Board, 7-18-2000
District V Advisory Board, 7-17-2000
Wichita-Sedgwick County Board of Health, Budget Review Committee 7-21-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Rogers absent)

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STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 00-0844.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closures requests have been submitted:

Central States Shrine Convention – August 31- September 2, 2000

Street Closures: Block Party, Midian Shrine Temple – 130 N. Topeka
Thursday, August 31 - 5:00 p.m. – 10:00 p.m.
Topeka Street from Douglas to First Street

Veterans Memorial Service, Memorial Site – Greenway Manor Ave.
Friday, September 1 – 10:30 a.m. – 11:30 a.m.
East-bound traffic on Greenway from Waco to Central

CSSC Parade – Downtown
Saturday, September 2 – 8:00 a.m. – Noon
Douglas from Sycamore to Mosley
Water to St. Francis Streets for one block north to First Street
Beacon Lane from Main to St. Francis

East Vs. West Run & Walk – Sunday, September 3, 2000
5:00 p.m. – 8:00 p.m.
Rock Island from First to Second
Second Street from Rock Island to St. Francis
St. Francis from Second Street to Third Street
Third Street from St. Francis to Emporia
Emporia from Third Street to First Street
First Street from Emporia to Rock Island

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

-- carried

Motion carried 6 to 0. (Rogers absent)

CLAIMS

REPORT ON CLAIMS ALLOWED – JULY, 2000:

<u>Name of Claimant</u>	<u>Amount</u>
Megan Jones	\$ 75.00*
Michael Mitchell	\$ 153.83
Montie & Tina McFerrin	\$ 444.78
Mary Ann Massie	\$ 108.05
Norbert J. Mersman	\$ 507.26
Jacquelyn Sue Solomon	\$ 556.47
Martha V. Hartwell	\$1,500.00
SW Bell	\$ 791.33
Jennifer M. Richardson	\$ 902.66
Jim Hammond	\$ 452.00

*Settled for lesser amount than original claimed amount.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 6 to 0. (Rogers absent)

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ELECTRICAL RATES

CONTRACT FOR PROFESSIONAL SERVICES – TRIPPLETT WOOLF AND GARRETSON.

Agenda Report No. 00-0817.

The City has undertaken a number of strategies to pursue the goal of reduction of electrical rates. The City is actively involved in issues before the Kansas Legislature, the Kansas Corporation Commission, and the Federal Energy Regulatory Commission. The City has used the services of the law firm of Triplett, Woolf, & Garretson, LLC, (Timothy McKee) to provide legal advice and representation on some of these matters.

This Supplement Agreement for professional services allows the City to continue to use the consulting and legal services of Timothy E. McKee in advising the City on electrical energy and other utility matters.

The Supplement Agreement provides authority for up to \$30,000 and will be paid from 2000 General Liability Internal Service Fund.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

SETTLEMENT AGREEMENTS.

Agenda Report No. 00-0818

On October 7, 1998, the City of Wichita filed a lawsuit against twenty-six parties in City of Wichita v. Aero Holdings, et al., No. 98-1360-MLB. The City alleged that these parties were responsible for the groundwater contamination in the Gilbert & Mosley site and sought to recover the costs of investigating and cleaning up the site. Several of the defendants propose to settle the City's claims.

Under the proposed Settlement and Release Agreements, the City would dismiss its claims against the named parties for response costs in the Gilbert & Mosley Site. In return, the parties would pay the City the stated sums. The parties will seek Court approval of the settlements. The Settlement and Release Agreement are with the following parties:

Pride Cleaners Inc. - The proposed agreement between Pride, Kansas Department of Health and Environment's Dry Cleaner Trust Fund (DCTF), and the City is a \$5,067,225 benefit to the City. The DCTF will reimburse the City for \$2,603,830 in costs attributable to Prides' former facilities at 351-353 N. Indiana and 1614 S. Broadway. The DCTF will also perform remedial source control activities valued by the City at \$1,863,895 at these facilities. Pride will pay the City \$600,000.

Kansas Paint and Color, Inc. - The proposed agreement provides for payment of \$70,000.00 to the City by the company.

.L. Fulks - Mr. Fulks will pay the City \$72,000.00. This settlement has been approved by the California state court supervising his conservatorship.

M.K. Companies, Inc. - The proposed agreement provides for payment of \$7,500.00 to the City by the company.

The total value to the City for these settlements is \$5,216,725.00. The settlement sums will be paid into the Gilbert & Mosley TIF fund as received and be used for the expenses of the Project.

Motion --
-- carried

Knight moved that the Settlement and Release Agreements be approved and the appropriate signatures be authorized. Motion carried 7 to 0.

ARKANSAS RIVER

ARKANSAS RIVER BANK BEAUTIFICATION – MCLEAN BOULEVARD AND LAWRENCE-DUMONT STADIUM LANDSCAPING. (District IV)

Agenda Report No. 00-0819.

June 8, 1999, the City Council approved Resolution No. R-99-542 authorizing selection of architectural/design firms to develop design concepts to improve the appearance of the Arkansas riverbank in conjunction with the Master Plan for the Riverbank Improvements completed in August 1996. In August 1999, the City Council approved Resolution No. R-99-878 authorizing various repairs and modifications to Lawrence-Dumont Stadium.

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To comply with these two resolutions, Public Works is seeking to contract with the architectural firm Hellmuth, Obata & Kassabaum, Inc. (HOK) to design modifications to Lawrence-Dumont stadium's outfield walls which will significantly improve its overall appearance, integrate the stadium into the concepts of the riverbank master plan and enhance that section of the riverbank as a visitors' draw and destination.

The existing Stadium outfield walls are constructed from painted plywood, which is warping and peeling and unsightly from McLean and the Hyatt. The stadium's outfield walls do not conform to the proposed improvements to the riverbank because they block both the internal view of the river and the external view of the ball field. The current outfield walls preclude expansion of the stadium's role from a seasonal attraction to a year-round tourist draw. Additionally, the present dimensions of the Lawrence-Dumont ball field do not comply with today's major league baseball standards.

Requirements for improving the appearance of the McLean Boulevard landscaping, including the exterior/outfield walls of the Lawrence-Dumont Stadium, were addressed as a high priority in the Master Plan for Riverbank Improvements. McLean Boulevard, the river bank and Lawrence-Dumont stadium will be designed into a more scenic and inviting panorama through the HOK proposal which will transform the white washed, warped wall now surrounding the outfield into a landscaped park/oasis where river walk bicyclers and pedestrians can enjoy Wichita's skyline.

The preliminary HOK plans are designed to develop this portion of the riverbank into "a destination" which will draw additional visitors and residents to the area during baseball games and at times other than the baseball season. Removal of the outfield wall will provide baseball fans and visitors the opportunity to visit a baseball sculpture garden, picnic beside the river, and wander beneath the shade of a trellis. Inside the park, baseball fans will be entertained with a modern scoreboard and a water fountain.

The Architectural Engineering firm Hellmuth, Obata & Kassabaum, Inc. (HOK) of Kansas City is a nationally-known architectural firm, as well as a nationally recognized designer of sports facilities such as Royals' Kauffman Stadium. This firm is capable of integrating landscaping improvements to the riverbank while enhancing and improving the appearance and visitor appeal of Lawrence-Dumont Stadium, and the area surrounding both the Hyatt and the stadium. HOK has designed other improvements to Lawrence-Dumont and Eck stadium and is familiar with the stadium area. Preliminary concept drawings prepared by HOK received unanimous approval from the Design Review Committee because of the way it enhanced the entire Lawrence-Dumont Stadium site and its surrounding areas while complimenting the landscaping of the Hyatt and the art of the Lewis Street bridge.

The 2001 CIP (PB-9225) has a remaining balance of \$455,000 budgeted for various repairs and modifications to Lawrence-Dumont Stadium. Fees for the architects and the architect's consultants and reimbursable expenses for this design contract are not to exceed \$198,580.00.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

HOUSING TRAINING

TRAINING AGREEMENT WITH NATIONAL DEVELOPMENT COUNCIL – HOUSING.

Agenda Report No. 00-0820.

The National Development Council (NDC), a national consulting company, provides training courses required for certification of housing finance professionals. A contract for services is requested to bring the training to Kansas. The courses would be offered to the local CHDOs and non-profit organizations involved in housing. The Kansas Department of Commerce and Housing will require state-funded CHDOs to attend.

The NDC housing professional series will be provided as CHDO technical assistance to enhance the ability of local non-profits to develop, analyze, and implement housing related projects. Training in Kansas would be more accessible to the CHDOs and would reduce travel expenses.

The training courses are as follows:

1. HD 410 – Single Family Home Ownership Finance, Wichita, September 25-28, 2000
2. HD 420 – Multi-Family Housing Development Finance, Topeka, January 15-19-2001
3. HD 430 – Housing Development Finance, Salina, May 2000

The cost of HD 410 is \$24,000 and \$30,000 each for HD 420 and HD 430. It is anticipated that 50 individuals will attend each of the sessions. The City of Wichita Housing Services Department will coordinate the training, accept registration payments, and reimburse NDC for the training. It is recommended that HOME CHDO operating

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and/or HOME administration funds, in the amount of \$15,000 for training, be made available to non-profit housing organizations located in Wichita.

The agreement with NDC is cancelable in the event insufficient registrations are received.

Motion --
-- carried

Knight moved that the Agreement, the Grant Agreement amendments; and allocation of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

HOUSING VOUCHERS SECTION 8 HOUSING CHOICE VOUCHERS FOR FAMILY UNIFICATION PROGRAM.

Agenda Report No. 00-0821.

On July 24, 2000, the Department of Housing and Urban Development (HUD) issued notice in the Federal Register of the availability of 10 million in one-year budget authority for Section 8 Rental Vouchers. This funding is to provide assistance to families for whom the lack of adequate housing is the primary factor in the separation or imminent separation of children from their families. The deadline for submission of an application is August 23, 2000.

Wichita Housing Services previously received 200 Family Unification Program (FUP) Vouchers. The following is progress to date:

- 268 families reunited and leased up
- 220 children reunited with a court appointed parent
- 245 families on FUP waiting list

In anticipation of approval of the Fair Share Vouchers application submitted to HUD on April 24, 2000, wherein the Housing Services Department requested use of 75 of the rental vouchers to expand the Family Unification Program. Approximately 65 vouchers have been issued to clients on the special FUP waitlist.

The additional 100 vouchers will produce approximately \$500,000 in annual HAP payments to owners. Wichita Housing Services will also earn administrative fees of approximately \$46,000 annually. The City of Wichita will not have any financial obligations to support these Vouchers, if approved by HUD.

Motion --
-- carried

Knight moved that the preparation and submission of the application to HUD and receipt of Vouchers be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PROFESSIONAL SERV. PROFESSIONAL SERVICES - CHANGE ORDER.

Agenda Report No. 00-0822.

The City of Wichita is committed to improving municipal operations and services. Various areas are being studied for ways to reduce costs, provide convenient access and improve service delivery.

To assist the City with improving service delivery, the City Council approved retention of professional assistance from Management Partners, Inc. The firm has worked with City staff to evaluate various options, address work-related problems, review alternative service delivery systems, implement quality management techniques and assist with transformation reviews.

To date, this firm has assisted Staff in the evaluation of evaluated work processes associated with Municipal Court and the Airport operations. Based upon the analysis of Municipal Court operations, it became apparent that additional services should follow to further evaluate and make recommendations on the work-flow processes of the Probation Office. To complete this evaluation, and to address other work areas in Public Works, Neighborhood Services, and other operational areas, Staff requests Council consideration for expansion of the contract.

The estimated costs for professional assistance to assigned tasks will be based upon hourly fees, but not to exceed \$50,000. This amount is available in the current budget.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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SANITARY SEWER

PUBLIC EXIGENCY PROJECT, SANITARY SEWER REPAIRS – CHANGE ORDER. (District II)

Agenda Report No. 00-0823.

On August 8, 2000, City Council approved a Public Exigency project for a sanitary sewer that had collapsed in the easement between Oliver and Dellrose, south of Central. The City Manager approved proceeding with the project on July 25, 2000. W.B. Carter Construction was authorized to perform repairs for \$13,500.

The situation was more severe than W.B. Carter or Staff could have anticipated. The scope of the project was increased and the Contractor was required to do additional work in order to restore service to the area. W.B. Carter Construction is requesting an additional \$4,500 for the extra work.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,000,000 for 2000. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a Contractor without formal bidding.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

CONSOLIDATED PLAN

HUD CONSOLIDATED PLAN – SUBSTANTIAL AMENDMENTS.

Agenda Report No. 00-0824.

On July 18, 2000, the City Council approved substantial amendments to the 2000/2001 One-Year Action Plan subject to citizen comments received during a 30-day public comment period that ended August 17, 2000. The substantial amendments included:

Adding - Home Improvement Loan/Grant Program;
Adding - Rehabilitation Code Consultants;
Adding - CHDO Boarded-Up Home Program
Deleting - Home Energy Loan Program; and
Amending the Paint Grant Program to create a second target area.

The proposed CDBG substantial amendments are consistent with the City Council's previous action to adopt the Redevelopment Incentives Task Force's recommendations. The HOME substantial amendment is consistent with the City's approved Neighborhood Revitalization Plan.

According to HUD regulations, the governing body must provide a 30-day comment period and take citizen comments into consideration before authorizing substantial amendments to the One-Year Action Plan.

The Home Improvement Loan/Grant Program will be funded from a one-time transfer of HELP program income in an amount not to exceed \$280,000. The Paint Grant substantial amendment redirects 2000/2001 funds already approved by the City Council and has no financial impact.

Rehabilitation Code Consultants will be funded from prior year completed CDBG project fund balances in the amount of \$25,000 and the CHDO Boarded-Up Home Program will be funded from balances from prior year completed HOME projects in the amount of \$200,000.

No citizen comments were received during the 30-day citizen comment period. HUD must be notified of approved amendments to the Consolidated Plan before they can be implemented.

Motion --
-- carried

Knight moved that the substantial amendments be approved and Staff be authorized to submit documents to HUD. Motion carried 6 to 0. (Rogers absent)

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IRB – RITCHIE

INDUSTRIAL REVENUE BOND PURCHASE OPTION – RITCHIE LAND AND BUILDING COMPANY. (District II)

Agenda Report No. 00-0825.

On February 6, 1996, the City Council approved issuance of \$995,000 in Industrial Revenue Refunding Bonds for Ritchie Land and Building Company. The Bonds were issued to refinance IRBs that were issued in 1985 to construct an office building located at 8100 East 22nd Street North. The 1996 refunding bonds will be fully retired on September 1, 2000 and the Ritchie Land and Building Company would like to exercise its purchase option on the IRB-financed property on that date.

Under the provisions of Sections 16.1 and 16.2 of the Lease Agreement for Series II, 1996 Bonds, Ritchie Land and Building Company, the Tenant, has the option to purchase the facility from the City of Wichita for \$1,000 once all outstanding bonds have been paid. At the same time, upon receipt of Trustee certification that the bonds have been paid and receipt of \$1,000 from Ritchie Land and Building Company, the City will deliver the instruments needed to deed the bond financed property back to Ritchie Land and Building Company and terminate the IRB lease.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office will approve the form of the Resolution, Special Warranty Deed, Bill of Sale and Termination of Lease prior to the delivery of the documents.

Motion --

--carried

Knight moved that the Resolution be adopted; the Special Warranty Deed, Bill of Sale and Termination of Lease Agreement, with delivery contingent upon satisfaction of all conditions for reconveyance under the lease, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-00-326

A Resolution authorizing the City to convey Title to the 1996 Project; authorizing execution of a Special Warranty Deed, Bill of Sale and termination and release of the 1996 Lease; and authorizing the execution of all such other documents necessary to convey Title to such property to Ritchie Land and Building Company, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

(Addendum Item No. 23a)

STORMONT-TRICE

STORMONT-TRICE ASSIGNMENT AGREEMENT.

Agenda Report No. 00-0847.

In the course of the Hyatt Hotel development, the City entered into a number of agreements with East Bank Hotel Associates, L.L.C. ("EBHA"), as Tenant for the property, and certain related arrangements with various Stormont Trice entities. Under a Master Management Agreement between EBHA and Stormont Trice Management Corporation ("STMC"), Stormont Trice Kansas Corporation (as assignee of STMC) has been operating the Hyatt Hotel, Conference Center and Parking Garage, and providing catering services, as the entity retained by EBHA to perform its obligations under the hotel lease and the operating agreements signed by the City and EBHA for the Parking Garage, Conference Center and Catering services.

Stormont Trice Kansas Corporation sold most of its hotel management operations to Crestline Capital Corporation ("Crestline"). On July 18, 2000, the City Council approved Crestline's request to have a wholly-owned subsidiary, Crestline Hotels and Resorts, Inc. ("CHRI") take an assignment of the Master Management Agreement, assuming Stormont Trice Kansas Corporation's duties thereunder. Now, Crestline desires a further assignment, to Crestline Hotels & Resorts, Inc. - Kansas, a corporation formed in Kansas so that it may hold a Kansas liquor license. Due to provisions of the underlying City operating agreements with EBHA, the assignment cannot be made without the City's consent, which is not to be unreasonably withheld. The parties to the proposed assignment have requested the City to consent.

Crestline Hotels & Resorts, Inc. - Kansas, will likely be a shell corporation with no assets apart from those related to its interests in the management and operating agreements. However, a substantially similar assignment was

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previously approved for Stormont-Trice, during its operation of the hotel, to obtain a liquor license in the name of Stormont Trice Kansas Corporation.

The City Attorney's office will review and approve the final form of the document to be signed and delivered on behalf of the City, and all closing opinions, certificates and similar assurances provided by the assignor or assignee.

Motion --

-- carried

Knight moved that the Consent to Assignment and Amendment to Master Management Agreement, subject to negotiation of language changes and receipt of assurances satisfactory to the City Attorney, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

SENECA PARK

SENECA PARK - LOCAL OUTDOOR RECREATION GRANT. (District IV)

Agenda Report No. 00-0826.

In 1999, the City Council approved a \$1 million plan to fund the purchase of playground equipment and associated improvements at City parks. The plan includes equipment replacement and improvements at fifty parks, including a \$48,000 allocation for equipment replacement and improvements at Seneca Park.

The Kansas Department of Wildlife and Parks (KDWP) Local Outdoor Recreation Program offers competitive grants to Kansas communities for projects which meet an identified community recreational need, demonstrate community involvement, and are part of a comprehensive strategy for the development of local outdoor recreational opportunities.

Seneca Park, located in the Delano neighborhood, serves a multi-racial, low-to-moderate income population. Replacement of existing playground equipment is slated for early 2001 as part of the City's comprehensive playground improvement plan. Residents of the area have voiced strong support for playground improvements at the park.

City funds allocated for playground improvements at Seneca Park are dedicated primarily to equipment replacement. To make the new equipment accessible and provide user safety, a rubberized surfacing is proposed for installation. The surfacing will cover a 3,794 square foot area beneath the equipment, plus a required safety fallout zone.

If approved, KDWP grant funds in the sum of \$34,905 will provide the monies necessary to install the identified rubberized safety surfacing at Seneca Park. These funds may be matched by over \$48,000 in City capital project monies.

The City has earmarked over \$48,000 in capital project funding for improvements at Seneca Park. These funds may be applied towards matching grant funds available through KDWP.

Motion --

-- carried

Knight moved that the grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

WATER CIP

WATER CIP MODIFICATION.

Agenda Report No. 00-0827.

On February 1, 2000, the City Council approved a Supplemental Agreement with Black & Veatch for the Water Master Plan (W-526) for \$17,000.

When the Supplemental Agreement was processed, the budget registered a deficit of \$5,200 attributable to work performed by Staff in preparation for the Water Master Plan.

Funds are available to transfer the required \$5,200 from the completed Northwest Transmission Facility Project (W-510) to the Water Master Plan Project (CIP W-526) with no net increase in the total CIP budget.

City Council approval is required to modify the CIP.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 6 to 0. (Rogers absent)

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WATER CIP

EMERGENCY WATER CIP MODIFICATION.

Agenda Report No. 00-0827A.

On August 8, 2000, the City Council approved payment to Mr. Eisenring for the judgement entered by the District Court on July 2, 1999, together with interest to the date of the payment. The judgement concerned a piece of property at Zoo Boulevard and Hoover Road that the City acquired by eminent domain for a water treatment facility.

Due to legal fees and the interest that has accumulated, there are no longer enough funds in CIP W-507, West Pump Storage and Siting Study, to pay the judgement. Immediate payment is desirable to avoid further interest accumulating. Therefore, on an emergency basis the City Manager approved modification of the CIP.

The judgement was to have been paid from W-507; however, there is a deficit of \$138,000 in that account. CIP W-390, E&S Well Rehabilitation, is almost complete and has funds remaining.

The judgement has to be paid by order of the Kansas Supreme Court, and payment has been approved by the City Council.

Motion --
-- carried

Knight moved that the City Manager's approval of transferring funds from CIP W-390 to W-507 in order to provide adequate funds be affirmed. Motion carried 6 to 0. (Rogers absent)

(Item 26a) SANITARY SEWER

Council Member Rogers present.

BROOKHAVEN ESTATES SUBDIVISION SEWER PROJECT.

Council Member Pisciotte reviewed the Item.

Agenda Report No. 00-0828.

The Brookhaven Estates subdivision (located at Central and 159th Street East) was originally platted in 1954 for the use of on-site septic and lateral systems. At the time this subdivision was platted there were less stringent standards for use of on-site sewage disposal systems. The Brookhaven Estates subdivision has experienced problems with failing on-site sewage systems that have required repair and replacement. The failures are due, primarily, to native soil conditions, which are not conducive to the use of septic systems.

The eastern half of the Brookhaven Subdivision has passed a successful petition for public sewer; the western half has been unsuccessful, even though there is documented evidence of septic system malfunction or failure. The Health Department conducted a survey of western half of the Brookhaven subdivision and determined that around 40% of the lots are experiencing problems and or failures with their septic systems. There is evidence of surfacing sewage, frequent pumping of septic tanks and potential for stormwater run-off of sewage into to adjacent waterways. This subdivision was recently annexed by the City but would be served by the Sedgwick County Four Mile Sewer District.

The City-County Health Department has concluded that there is sufficient evidence to conclude that extension of the Four Mile Creek sanitary sewer to serve this subdivision is in the best interest of public health and the environment. Staff have developed project plans and costs for sewer service extension. This information was provided to Brookhaven residents at a public meeting on July 24, 2000. Response of Brookhaven residents at the meeting was positive in support of sewer extension.

This is a project of Sedgwick County and the costs for the service would be funded through special assessments through the Sedgwick County Four Mile Creek Sewer District.

State law requires that the governing body consent to the initiation of this project in order for the action by Sedgwick County to be effective.

Motion --
-- carried

Pisciotte moved that the extension of the sanitary sewer to serve Brookhaven Estates be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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SANITARY SEWER (Item 26b)

SPRINGDALE LAKES ADDITION SANITARY SEWER PROJECT – SOUTH OF KELLOGG, EAST OF 127TH STREET EAST. (District II)

Council Member Pisciotte reviewed the Item.

Agenda Report No. 00-0829.

This subdivision was platted in 1978 in unincorporated Sedgwick County but never developed. The property was annexed into the City of Wichita in 1999. On July 18, 2000, the City Council approved projects for water service and street paving to serve the subdivision. Sanitary sewer service is available from Sedgwick County's Four-Mile Creek sewer system.

A consent degree has been prepared to allow the extension of the County's sewer within Wichita city limits.

This is a project of Sedgwick County and the costs for the service would be funded through special assessments through the Sedgwick County Four-Mile Creek Sewer District.

Motion --
-- carried

Pisciotte moved that the Sewer Consent Agreement be approved and necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

(Council Member Rogers absent)

ACQUISITION OF 11211 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-0830.

In October of 1998, staff was instructed to pursue purchases on an opportunity basis or to preserve the corridor along East Kellogg. Corridor preservation occurs when projects in the corridor are scheduled for redevelopment. 11211 East Kellogg is one such property. The site contains approximately 166,675 square feet and is improved as an automobile dealership with a total of 24,646 square feet of improvements. The proposed improvements to Kellogg will utilize approximately 28,875 square feet of the site and take virtually all of the parking/display space along Kellogg. The site is currently operating as both a Buick and Infiniti dealership. The franchise agreement with Infiniti requires separate facilities for Infiniti if the site is to be continued to be utilized in the manner. The owner has developed expansion plans, which will allow both franchises to continue to operate on the site. These plans will require the construction of improvements onto the area required for the highway.

The property as currently configured has been appraised at \$3,185,000. The appraiser estimated the value of the site, if improved to allow the continued use by both franchises, at \$4,874,000. The owner has agreed to sell the property for \$4,250,000. The owner will then lease the property back from the City for \$20,000 per month on a net basis until such time as the site is needed for the highway project. This arrangement will allow the City to realize lease income during the pre-construction period without any associated leasing risks. The acquisition consultant for East Kellogg has reviewed this proposal and had indicated that this transaction is in the City's financial best interest.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$4,290,000 is requested. This includes \$4,250,000 for the facility acquisition, \$30,000 for demolition, and \$10,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PROPERTY ACQ. (Addendum Item No. 27a)

ACQUISITION OF 661 WETMORE FOR THE COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Agenda Report No. 00-0845.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed voluntary property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program calls for the acquisition of up to 20 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. One such property is 661 Wetmore, which is

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owned by Wayne and Tomiko Myers. The site contains 20,410 square feet and is improved with a 2,367 square brick residence.

An offer of \$86,955, based on 85% of the pre-flood value of the property was extended to the owners. The owner has agreed to sell the property for this amount. Under the terms of the FEMA program, all improvements must be removed and future use of the site is restricted to open space.

The FEMA program provides funds for the purchase price and 85% of closing costs and demolition costs not covered by insurance. Any costs not funded by FEMA will be paid from the Property Management Special Revenue fund contingency. A budget of \$94,205 is requested. This includes \$86,955 for the acquisition, \$6,500 for demolition and \$750 for closing costs and title insurance. FEMA's participation will be used to offset this amount when received.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PROPERTY DISP.

SALE OF SURPLUS PROPERTY LOCATED IN THE SANTA FE ORIENT INDUSTRIAL PARK. (District IV)

Agenda Report No. 00-0831.

An offer of \$120,000 has been received from Schrader Brothers Construction Company for Lot 3, Block A, Santa Fe Orient Industrial District 3rd Addition, which the City-owns. The tract was acquired 1995 from Multimedia in conjunction with the relocation of Multimedia's headquarters to downtown. The site is zoned Light Industrial. It contains approximately 170,868 square feet. The property has been advertised, signed, included in mailings. The purchaser is going to build a new building for Case Supply. Case Supply has sold their building in Old Town and is relocating.

The property has been appraised at \$120,000. The purchaser intends to construct an approximately 50,000 square foot warehouse/distribution building for Case Supply. The City has reserved the right to approve the general use, design, site layout and landscaping and reserved the right to repurchase the site if it is not redeveloped in a timely manner.

The City will receive cash payment, less the sales commission and closing costs from the sale of the property. Upon sale, this property will return to the tax rolls.

Motion -- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

CONDEMNATION

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE. (District IV)

Agenda Report No. 00-0832.

On August 7, 2000 the Board of Code Standards (BCSA) held a hearing on the following property. This property is considered a dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on this structure, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove this property.

Property Address

Council District

1. 1934 S. St. Clair

IV

This structure has defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause it to be deemed as a dangerous and unsafe building, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolution placing this matter on the agenda for a Hearing before the Governing body on October 17, 2000 at 11:00 a.m. be approved. Motion carried 6 to 0. (Rogers absent)

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RESOLUTION NO. R-00-317

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 29 and 31, Block N, St. Clair Avenue, South University Place Addition to Wichita, Sedgwick County, Kansas, known as 1934 South St. Clair, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

Addendum Item No. 29a)
WATER STRUCTURE

APPROVAL OF REPAIRS AND FINALIZATION OF WATER STRUCTURE CONTRACT.

Agenda Report No. 00-0843

As part of the Hyatt Regency development, a Waterwall feature was built in 1997 at the Arkansas River, north of Lewis Street. The design architect was Gossen Livingston. The contractor was the Martin K. Eby Construction Company. A structural failure occurred in December 1997 and was repaired in 1998. Another failure occurred in the spring of 1999.

It was determined through a mediation process that the designer and contractor would pay for the repairs that were deemed the responsibility of the designer and contractor and the City would pay for enhancements that would enhance the functionality and maintainability of the Waterwall.

After extensive investigations and redesigns, the Waterwall is in the process of reconstruction and is nearing completion. Costs for the repairs and the enhancements have been determined and agreed to by the three parties. A two-year warranty will begin at the date the Waterwall is finally accepted by the City.

The designer/contractor's responsibility for the repairs is \$634,560.00. The City's responsibility in adding enhancements to the Waterwall is \$143,544.00. Funding for the enhancements will come from funds remaining in the original project budget.

The Law Department has approved the settlement.

Motion -- carried

Knight moved that the terms of the settlement be approved. Motion carried 6 to 0. (Rogers absent)

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 15, 2000)

a) Hilltop Neighborhood Revitalization Plan. (District III)

ORDINANCE NO. 44-701

An Ordinance adopting the Hilltop Neighborhood Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

b) Weed mowing.

ORDINANCE NO. 44-702

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

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- c) A 00-11 – south of 55th Street South, from west of Seneca to the east and west of Grove.
(Districts III and IV)

ORDINANCE NO. 44-703

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. A 00-11

(Council Member Rogers present)

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 31, 32, and 38 could be considered as consensus Items unless the Council desired to withhold other items.

Council Member Cole left the Bench.

Motion --
-- carried

Knight moved that Planning Agenda Items 31, 32, and 37 be approved as consensus Items. Motion carried 6 to 0. (Cole absent)

(Item No. 31)
SUB 2000-10
Z-3353

SUB 2000-10 – PLAT OF BENCOR SECOND ADDITION LOCATED ON THE SOUTHEAST CORNER OF 13TH STREET NORTH AND WACO. (District VI)

Agenda Report No. 00-0833.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

A zone change (Z-3353) from B, Multi-Family Residential to LC, Limited Commercial has been approved for this site subject to platting. The plat is also subject to a Protective Overlay established by Z-3353, addressing site plan requirements, landscaping, signs and the existing alley.

Petitions, 100% were submitted for paving of the alley, sewer abandonment and future construction of a raised medial along abutting streets. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserve, the applicant has submitted a restrictive covenant. A temporary sanitary sewer easement was also provided. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, restrictive covenant, temporary sewer easement, and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance Z-3353 be placed on first reading; and the Resolutions be adopted. Motion carried 6 to 0. (Cole absent)

RESOLUTION NO. R-00-318

Resolution of findings of advisability and Resolution authorizing construction of Lateral 13, Main A, Sanitary Sewer No. 1 (south of 13th, east of Waco) Project No. 458-83154, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-00-319

Resolution of findings of advisability and Resolution authorizing improving of alley as platted in Bencor Second addition, Project No. 472-83263, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-320

Resolution of findings of advisability and Resolution authorizing constructing a raised medial in 13th Street, Project No. 472-83264, (south of 13th, east of Waco) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas introduced and under the rules laid over. Z-3353

(Item 32)
S/D 00-12

S/D 00-12 – PLAT OF BENCOR ADDITION LOCATED ON THE SOUTHEAST CORNER OF 13TH STREET NORTH AND WOODLAWN. (District II)

Agenda Report No. 00-0834.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This replat is zoned LC, Limited Commercial. Municipal water and sanitary sewer services are available.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days

Motion -- carried

Knight moved that the Plat and be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Cole absent)

Council Member Cole present.

CON2000-00026

CON2000-00026 – CONDITIONAL USE TO ALLOW VEHICLE SALES, OUTDOORS ON PROPERTY ZONED LIMITED COMMERCIAL, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 31ST STREET SOUTH AND MERIDIAN – 2433 WEST 31ST STREET SOUTH. (District IV)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0835.

MAPC Recommendation: Approve, subject to conditions (7-4-1).
Staff Recommendation: Disapprove
DAB Recommendation: Disapprove (6-0).

This case involves an appeal of the MAPC's approval of a Conditional Use to permit used car sales on a platted .87-acre tract of land by the neighboring property owners. The applicants indicate a desire to offer up to 60 vehicles for sale. This property is zoned "LC" Limited Commercial and is located at the southeast corner of 31st Street South and Meridian. Access to the site is from Meridian Avenue and from 31st Street South. Currently there is a former convenient store at this location that is being used for surplus merchandise sales.

The property north of the application is a liquor store and manufacturing facility and is zoned "LC" Limited Commercial, the property to the south is a roller rink and it is zoned "LC" Limited Commercial; to the east is a bar zoned "LC" Limited Commercial; to the west are multi-family apartments zoned "LC" Limited Commercial.

Outdoor vehicle and equipment sales in the "LC," Limited Commercial, district may be permitted if: the location is contiguous to a major street; visual screening of areas contiguous to residential zoning is provided; storage and

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display areas paved with concrete, asphalt or other comparable material; outdoor lighting employs cut-off luminaries and mounted at a height not exceeding one-half the distance from the neighboring lot unless evidence is shown that the light source is not visible from the neighboring lot; no noise amplification system within any residential zoning district located within 500 feet of the site; no repair work may be conducted except in an enclosed building; and no body or fender work is permitted.

Based on the Area Treatment Classification Map of the Comprehensive Plan which states: "Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas," MAPD staff recommends the application be denied. The Comprehensive Plan does not indicate that a used car lot would be appropriate for this area, there are not any other vehicle sales lots existing or allowed by zoning in the general vicinity. The commercial uses along this portion of Meridian are neighborhood serving and do not involve the outdoor display storage associated with vehicle sales.

On July 19th, the District Advisory Board (DAB), for District 4, considered the request. The agent and applicant were present to respond to questions. There were four representatives from the Southwest Village Neighborhood Association who spoke in opposition to the request. The association members stated that granting this request would be "precedent setting" and would result in more used car lots in the future. The DAB Members recommended that the request be disapproved by a 6-0 vote.

On June 29th, the MAPC voted (7-4-1) to recommend approval subject to revised conditions (elimination of banners on light poles and selling of only "vehicles" as defined by the UZC).

Subsequent to the June 29th MAPC meeting, valid protest petitions were received within the 14-day legal protest period. The protest petitions constitute over 57.51% of the notification area. Due to a successful protest, approval will require at least a ¾ vote of all members of the governing body.

Motion -- carried

Gale moved that this Item be deferred to September 12, 2000. Motion carried 7 to 0.
(Client withdrew application later in the week; item will not be returned)

**CUP2000-00022, DP154 &
ZON2000-00027**

CUP2000-00022 – DP154 HANLEY CUP AMENDMENT NUMBER 3; AND ASSOCIATED ZON2000-00027 REQUEST TO AMEND CUP 154#3 TO PERMIT GENERAL OFFICE USES ON PARCEL 6 ("B" MULTIPLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE) AND AMEND THE CUP TO PERMIT LIMITED COMMERCIAL USES ON PARCEL 7 ("GO" GENERAL OFFICE TO "LC" LIMITED COMMERCIAL) LOCATED ON THE SOUTHEAST CORNER OF 21ST STREET NORTH AND WEBB ROAD. (District II)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0836.

MAPC Recommendation: Approve, subject to conditions (6-3).
Staff Recommendation: Approve, subject to conditions.

The applicant is requesting amendments to the Hanley Residential Community Unit Plan (DP-154 #3) located southeast of 21st Street North and Webb Road. The proposed amendments would: 1) rezone Parcel 6 ("B" Multiple-family Residential to "GO" General Office) to permit "General Office" uses plus "financial institutions", 2) rezone Parcel 7 ("GO" General Office to "LC" Limited Commercial) to permit "Limited Commercial" uses, except adult entertainment, drinking establishments, general automotive including auto and auto parts sales, service repair and fuel dispensing; 3) eliminate a 54-foot wide roadway (identified as Shadybrook on DP 154#2) and add that acreage to Parcels 6 and 7; 4) waive a side yard setback requirement for the north side of Parcel 7 adjacent to the Hanley Commercial CUP; and 5) delete item 24 of the existing CUP prohibiting cul-de-sacs in excess of 600 feet from Webb Road on Parcel 6 if the site develops with uses other than an assisted living facility. The applicant has agreed to a 20% maximum floor area for Parcel 6 (396,396 sq. ft. lot area), and a 23.5% maximum floor area for Parcel 7 (42,512.5 sq. ft. lot area). Maximum floor area / building coverage would be 79,279 square feet for Parcel 6 and 10,000 square feet for Parcel 7. Permission to use standing seam metal roofs is also being sought for non-residential uses on Parcels 6 and 7.

Currently, Parcel 6 is 8.2 acres in size and would increase to 9.1 acres. The parcel is currently restricted to assisted living, single family, zero lot line, cluster single-family, patio homes, duplexes, four-plexes, town houses, clubhouse, swimming pool, tennis court and other accessory uses permitted in the "B" district. The maximum number of units permitted for an assisted living facility is 60 units, or 100 dwelling units for other residential uses.

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Parcel 7 is currently .67 acres in size and would increase to .98 acres. The parcel currently permits: apothecary, medical and / or dental clinic, optician and general office use, single family, zero lot line, cluster single family, patio home, duplex, four-plex and town house uses. One office building or eight dwelling units are currently permitted. Office uses are restricted to 8,750 square feet of maximum floor area (30% of the parcel area) while residences are restricted to eight dwelling units per acre.

Parcels 6 (Lot 2, Hanley Second Addition) and 7 (Lot 1, Hanley Second) are currently restricted by the Hanley Second Addition to one opening each. The Hanley Commercial Addition, located just north of the application area, has a third access point that is proposed to be 64 feet north of the north boundary line of Parcel 7. That places three access points within 340 feet of each other. To further complicate the issue, the Legacy Park Wilson Estates Addition, has approval for openings that do not match up with, or are not offset far enough (150 feet), from the Hanley openings to comply with accepted spacing standards. If approved, this application will increase the potential average daily traffic (ADT) volume from 1,175 ADT to 2,223 ADT, a 52 percent increase. Parcel 6 could increase from 1,000 ADT to 1,585 ADT. Parcel 7 could increase from 175 ADT to 638 ADT.

At the MAPC meeting held July 27, 2000, MAPC voted (6-3) to approve the requested amendment and zone change subject to Staff recommendations. The applicant objected to the requested relocation of the opening on Parcel 6 to connect with the opening across Webb Road, and the removal of an opening from Parcel 7.

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change and C.U.P. amendment, subject to the recommended conditions, be approved, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00027

PUD2000-00002

PUD2000-00002 – ZONE CHANGE REQUEST FROM STREET RIGHT-OF-WAY AND “GO” GENERAL OFFICE TO “PUD” DISTRICT, LOCATED ON THE NORTHWEST CORNER OF HILLSIDE AND KELLOGG. (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0837.

MAPC Recommendation: Approve, subject to platting within 1 year and subject to conditions (8-4).

Staff Recommendation: Approve, subject to platting within 1 year and subject to conditions.

DAB#1 Recommendation: Deny (9-1).

The applicants are proposing to establish a Planned Unit Development (PUD) district to allow a self-service storage warehouse facility on property that is currently zoned “GO” General Office. In addition, a portion of the application area is property that was, until recently, part of the right-of-way for the Kellogg/Hillside Interchange. The right-of-way was re-acquired from the State by the City of Wichita, and one of the applicants of this request. That applicant is also under contract to purchase the remaining surplus right-of-way from the City. The total application area for the PUD is 2.85 acres. The application area includes property west of Hillside, south of Lewis, north of Kellogg and east of Chautauqua, excluding the existing homes on the east side of Chautauqua and south of Lewis. Currently, there are three homes on the property zoned “GO” (south of Lewis and Lorraine). The remainder of the property is vacant, but has been maintained as state highway right-of-way.

The applicant submitted a site plan for the proposed self-service storage warehouse development. The site plan shows a self-service storage warehouse facility consisting of 13 storage buildings, one of which contains the office/residence, a maximum of 41,620 square feet of building coverage and a maximum building height of 25 feet. Three of the buildings will be climate controlled. Access to the site is shown from Lewis, a residential street that intersects with Hillside, approximately 80 feet east of the entrance to the facility. The State of Kansas controls access along this section of Hillside.

The site plan indicates that the facility will be enclosed on the north and west by a combination of exterior storage building walls and wrought iron fencing located between the gaps in the buildings. The site plan also indicates that there will be a continuous wrought iron fence along the south and east property lines. The site plan shows a 15-foot landscaped buffer and building setback along the north and west boundaries adjacent to the “TF-3” zoning and 20-foot landscaped buffers and building setbacks along Chautauqua, Lewis, and Hillside. In the landscape areas and

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the required street yard landscaping area, the applicant will plant 1.5 times the Landscape Ordinance requirements, which will be one tree for every 20 lineal feet of property line.

The applicant also submitted building elevations for the proposed self-service storage warehouse facility (Exhibit A). Exhibit A indicates that all building exteriors will share the same predominate blue, gray, and brick color exterior building materials. The exterior building materials are designated as brick, wood, and metal for all buildings, with asphalt wood-color shingle roofs. The elevations show hip roofs on most structures with a maximum building height of 24 feet on the westernmost building. Signage is shown on the North and East elevations of the office/residence building, adjacent to Hillside and Lewis. This signage shall not exceed 50 square feet for any one sign and shall include a monument sign, not to exceed 12 feet in height, on the corner of Hillside and Lewis.

The surrounding area is predominately developed with single-family residential uses to the north and west, Kellogg to the south, and single-family residential uses to the east across Hillside. The most directly impacted properties by the proposed development are single family homes on property zoned "TF-3" Two-Family Residential located to the north and west of the site.

Planning staff recommends that the site be developed in general conformance with the development standards in the Unified Zoning Code for self-service storage warehouses in the "GO" and "LC" districts. Although general conformance is met with the proposed PUD, the site is not contiguous with a less restrictive zoning district, it does not have direct access to an arterial street, and it does not meet the 25-foot compatibility setback requirement.

The Planning Department has received calls from the adjacent neighborhood indicating the need for a park and open space in this area. The Comprehensive Plan maps all the parks in the Metropolitan area, but shows no park within the boundaries of Hillside, Grove, Douglas, and Kellogg. The closest park is in College Hill, across Hillside and approximately ½ mile away from the site.

The District Advisory Board for District I met on July 17, 2000 to discuss the re-zone request. There were a significant number (approximately 50) of citizens present to voice their concern and disapproval of the request. The majority of the comments centered around the issues of traffic, safety, and the possibility of decreased property values. Most of the citizens felt that this non-residential use was inappropriate in a residential area. The Board voted 9-1 to recommend denial of the zoning request.

The MAPC considered this request on July 27, 2000. Again, there were several citizens present to speak in opposition to this zone change, essentially reiterating the concerns that were raised at the DAB #1 meeting. The President of the East Front Neighborhood Association indicated that the Association had voted against the request and that he had circulated a petition and acquired over 300 signatures against the request, although the petition was not submitted for the record.

One Commissioner (Susan Osborne-Howse) was concerned with the bright blue color of the roll-up doors that has been used by the applicant on previous projects. The applicant agreed to "lighten" the blue that had been chosen for the doors at this facility and indicated that he would submit a revised set of elevation drawings indicating that change.

After considerable discussion among the Planning Commission members, they voted 8 to 4 to approve the request, subject to staff comments and the agreement by the applicant to amend his application to show a lighter color blue for the facility doors.

32 percent of the property owners within 200 feet of the subject property have filed protest petitions with the City Clerk indicating opposition to this request. This percentage of protests is considered a "valid" protest and approval requires six votes of the Council.

The City Clerk shall withhold publication of the ordinance establishing a zone change until such time as the plat is recorded with the Register of Deeds.

Council Member Lambke

Council Member Lambke said there is no compelling reason for a facility to be constructed in this area. A large amount of traffic generated would be trucks. The DAB, an advisory board to the City Council, voted to deny the amendment.

Motion --

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the condition of platting, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 1. Lambke – No.

--carried

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ZON2000-00028

ZON2000-00028 – ZONE CHANGE FROM “TF-3” TWO-FAMILY RESIDENTIAL TO “SF-6” SINGLE-FAMILY RESIDENTIAL, LOCATED SOUTH OF CENTRAL AND EAST OF GREENWICH. (District II)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0838.

MAPC Recommendation: Approve, subject to replatting within 1 year (11-0).

Staff Recommendation: Approve, subject to replatting within 1 year.

The applicant requests a zone change from “SF-6” Single-Family Residential to “TF-3” Two-Family Residential on a 2.3 acre platted tract located south of Central and east of Greenwich. The zone change request is associated with a proposed replat of the property (SUB2000-00056 – Ellson Court Addition) that was heard by the MAPC on the same agenda. The applicant proposes to develop the site with duplexes on five lots fronting a cul-de-sac off Ellson. The applicant proposes a drainage reserve along the north of the subject property.

The surrounding area is characterized by commercial and industrial development at the corner of Central and Greenwich with residential and institutional development located further from the arterial intersection and more proximate to the subject property. The adjacent property west of the site is zoned “SF-6” Single-Family Residential and is developed with single-family residences and vacant home sites in the Fountains 2nd Addition. The adjacent property north of the site is zoned “SF-6” Single-Family Residential and is developed with the New Life Christian Church. The property east of the site across Ellson is zoned “SF-6” Single Family Residential and is developed with single-family residences in the Gott Addition. The adjacent property south of the site is zoned “SF-6” Single-Family Residential and is developed with single-family residences and vacant home sites in the Fountains Second Addition.

At the July 27, 2000 hearing, the MAPC heard from several neighboring property owners who were concerned about the potential impacts of the request on drainage in the area and on declining property values. The MAPC deferred the proposed replat of the property to allow the applicant time to work on out drainage issues with the neighboring property owners. The MAPC voted (11-0) to approve the zone change request subject to replatting within one year.

After the MAPC hearing on this request, neighboring property owners filed written protests representing 56.4% of the property within 200 feet of the property proposed for rezoning. Since the percentage of protesting properties exceeds 20%, a three-fourths majority vote (or 6 affirmative votes) is required for the City Council to approve the request.

Motion --

Pisciotte moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the condition of platting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

(Item 37)

ZON2000-00029

(Council Member Cole absent)

ZON2000-00029 – REQUEST FOR ZONE CHANGE FROM “SF-6” SINGLE FAMILY RESIDENTIAL TO “MF-18” MULTI-FAMILY RESIDENTIAL, LOCATED NORTH OF LINCOLN AND EAST OF GREENWICH. (District II)

Agenda Report No. 00-0839.

MAPC Recommendation: Approve, subject to staff comments (9-0).

Staff Recommendation: Approve.

The applicant requests a zone change from “SF-6” Single-Family Residential to “MF-18” Multi-Family Residential on a 7.27 acre platted tract located north of Lincoln and east of Greenwich. The applicant proposes to develop the site with assisted living facilities and senior independent living duplexes. Access to the site is proposed from Lincoln through the remainder of the applicant’s property to the south and west, where a church is proposed for construction. South of the subject property is a reserve owned by the applicant that is platted for drainage detention purposes.

The surrounding area is a developing suburban area with significant amounts of remaining undeveloped property for both residential and commercial/industrial use. The adjacent property west of the site is zoned “SF-6” Single-Family Residential and is the proposed site of the Woodland Lakes Community Church. The property north of the

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site across the Kansas Turnpike is zoned "LI" Limited Industrial and "GC" General Commercial and is undeveloped. The adjacent property east of the site is zoned "SF-6" Single Family Residential and is currently under development with the Seltzer Elementary School. The adjacent property south of the site is zoned "SF-6" Single-Family Residential and is developed with single-family residences in the Windsor Park Addition.

At the hearing on July 27, 2000, the MAPC voted (9-0) to approve the request. There were no speakers, other than the applicant, for or against the request.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Cole absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00029

(Council Member Cole present)

A 00-13

A 00-13 – ANNEXATION OF STREET RIGHTS-OF-WAY ADJACENT TO RAYTHEON AND A PORTION OF 119TH STREET WEST, SOUTH OF 21ST STREET. (Districts II and V)

Motion --

Pisciotta moved that this Item be deferred one month (September 19, 2000). Motion carried 7 to 0.

SUB2000-03

SUB2000-03 – PLAT OF WILLOW PLACE ADDITION LOCATED ON THE SOUTH SIDE OF 45TH (Z-

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0841.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0-1)

A zone change (Z-3357) from SF-6, Single-Family Residential to TF-3, Two-Family Residential has been approved for this site subject to platting. The plat is also subject to a Protective Overlay established by Z-3357, addressing uses, landscaping, architectural controls and building height.

Petitions, all 100%, have been submitted for sanitary sewer, municipal water, and paving improvements. A Certificate of Petitions has also been submitted. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, Protective Overlay Certificate, and restrictive covenants will be recorded with the Register of Deeds.

Motion --

Pisciotta moved that the documents and plat be approved; the necessary signatures be authorized; the Ordinance Z-3357 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-00-321

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89493 (south of 45th street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

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RESOLUTION NO. R-00-322

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89494 (south of 45th Street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-323

Resolution of findings of advisability and Resolution authorizing construction of Lateral 65, Main 9, sanitary Sewer No. 23, (south of 45th street North, west of Webb) Project No. 468-83155, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-324

Resolution of findings of advisability and Resolution authorizing improving of Spyglass from the south line of 45th Street North, south to the north line of 44th Street North; 44th Street North from the west line of Spyglass, east to the west line of Ironwood; 44th Street North Court from the west line of Spyglass, west to and including the cul-de-sac; Ironwood from the south line of 45th Street North, south to the south line of 44th Street North, and; Ironwood Circle from the south line of 44th Street north, south to and including the cul-de-sac, Project No. 472-83267 (south of 45th street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas introduced and under the rules laid over. Z-3357

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion

JABARA AIRPORT.

Chris Cherches

REQUEST TO LEASE LAND – JABARA AIRPORT.

City Manager reviewed the Item.

Agenda Report No. 00-0842.

Midwest Corporate Aviation MCA), the fixed-base operator at Jabara Airport, has submitted a request to lease approximately 54,000 sq.ft. of land (see map) for 20 years to construct a 15,000 sq.ft. storage hangar to be used as part of its FBO operations. MCA has made the assessment of the demand for the storage facility and is prepared to finance the facility with its own funds.

Jabara Airport is laid out in a north/south configuration. When aircraft are using the airport, most land and turn off of the runway about mid-point in the runway. For this reason, the airport has been designed so that high activity facilities are located near the center of the airport and low activity facilities are located away from the center of the airport. The fueling hydrants have been located mid-field to support the higher activity level experienced in that area.

The current leasehold facilities extend from the larger FBO hangar at mid-field to the south (see map). At the south end of the airport are the LifeWatch helicopter operations and two executive operators. At the north end of the west-side hangar complex are individual storage hangars. In between the north individual hangars and the MCA FBO/maintenance hangar is prime mid-field land that should be reserved for new or expanding airport business operations and/or aviation-related business. MCA desires to utilize would like to use this some of this acreage for the storage hangar construction.

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A benefit of locating mid-field (with hangar facilities) is the fact that the airport has will continue to build the public parking fronting along the hangars, thus limiting the amount of pavement required to support a hangar. The FAA has, in the past, participated in 90% of the funding of the public parking aprons. There are no current plans to build a public parking apron anywhere on the airfield, except adjacent to FBO facilities in the mid-field area. Currently, there are no FAA funds readily available to construct public parking apron. Since FAA funding has been used to assist with development of the airport, it is the obligation of the Airport Authority to lease land to aeronautical users if there is land available and if the operator meets the standards of the WAA. However, the WAA, as the owner and operator of the airport, may dictate where each facility will rest on the airport.

The Wichita Airport Advisory has reviewed the proposal and has supported the request to lease land for the storage hanger facility.

The proposed hanger facility will be constructed by the FBO. The airport will benefit from lease payments for use of the property.

The City Attorney will review and approve of all documents pertaining to this lease arrangement.

Motion --
-- carried

Knight moved that the lease of property, at a site to be consented to by Staff be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

(Addendum Item No. 41)
AIRPORT SUB-LEASE

SUBLEASE OF PROPERTY AT WICHITA MID-CONTINENT AIRPOR

Agenda Report No. 00-0846.

Executive Aircraft Corporation, a fixed base operator at Wichita Mid-Continent Airport, entered into a lease with Executive Aircraft Corporation for land and improvements at 1590 Airport Road commencing October 15, 1999 and terminating on October 31, 2020. Executive Aircraft Corporation is now desirous of leasing the hangar and office improvements to Cessna Aircraft Company for light manufacturing activities. Executive Aircraft Corporation and Cessna Aircraft have entered into a sublease commencing no later than January 1, 2001 for three years with a two year option to renew. Certain improvements are required of Executive Aircraft Corporation prior to the occupancy of Cessna.

There is no expense to the Wichita Airport Authority.

The City Attorney will review and approve all documents pertaining to the sublease.

Motion -- carried

Knight moved that the sublease be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess and move to executive session at 12:30 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, and contract negotiations; preliminary discussions relating to the acquisition of real property for public purposes; and matters relating to employer-employee negotiations; and return to regular session at 1:40 p.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 12:05 p.m. and reconvened at 1:50 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 1:50 p.m.

Pat Burnett CMC
City Clerk

WORKSHOP

TELECOMMUNICATIONS PLAN
HOOVER/K-42 DESIGN CONCEPTS